

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SEP 13 2 29 PM '05

CITIBANK, N.A., AS TRUSTEE,)

Plaintiff,)

v.)

Civil Action No. 4:05-CV-40045-FDS

JOHN P. PHELAN, WENDY M. PHELAN,)

THE UNITED STATES OF AMERICA,)

O'CALLIGHAN CONSTRUCTION)

COMPANY, AND THE)

COMMONWEALTH OF)

MASSACHUSETTS' DEPARTMENT OF)

REVENUE)

Defendants, and)

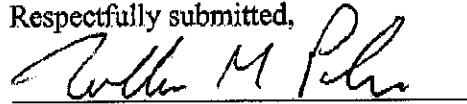
DAVID LA BRIE,)

Defendant and Cross-Claimant)

Defendant and Cross-Claimant David La Brie's Certification

The undersigned confirm that Mr. La Brie and his counsel have conferred (1) with a view to establishing a budget for the costs of conducting the full course — and various alternative courses — for the litigation; and (2) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,



William M. Palmer, Esq.

BBO # 563978

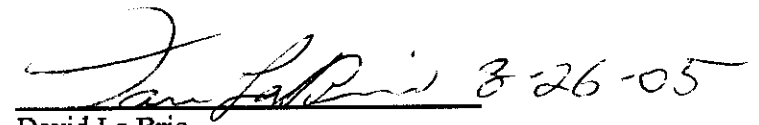
50 Congress Street, Ste 500

Boston, Massachusetts 02109

Tel.: (617) 524-7490

Fax.: (617) 523-5194

ATTORNEY FOR DEFENDANT AND
CROSS-CLAIMANT DAVID LA BRIE



David La Brie

DEFENDANT AND CROSS-CLAIMANT

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document was served by first-class mail on this 24th day of August on David M. Rosen, Esq.; Harmon Law Offices, P.C.; 150 California Street; Newton, MA; 02458, and on John J. Curley, Esq.; McEvilly & Curley; 48 West Street; Leominster, MA; 01453.


WILLIAM M. PALMER

8/24/05
DATED